

**PLANNING AND ZONING COMMISSION
SPECIAL MEETING MINUTES**

MARCH 3, 2005

MEMBERS PRESENT: Emery Zahner, Cliff Aucter, Mort Heidari, James Prichard and Alternate Arlo Hoffman

MEMBERS ABSENT: Lori Spielman, Geri Kupecky, Robert Hoffman, and Alternate Ronald Small

STAFF PRESENT: Matt Davis, Town Planner and Reanna Goodreau, Recording Secretary

I. CALL TO ORDER

Chairman Zahner called the Planning & Zoning Commission (PZC) meeting to order at 7:07 PM at the Ellington Town Hall Annex Meeting Room, 57 Main Street, Ellington, CT.

II. EXECUTIVE SESSION: Discussion of pending litigation.

TABLED TO THE MARCH 28, 2005 MEETING.

III. PUBLIC COMMENTS:

Several residents came forward to express their concern about not knowing what happens in town. Chairman Zahner explained that mailings are done within 500' of a project site and agendas and minutes are posted with the Town Clerk, as required by law, and are also now being posted on the Town's website. There are also meeting dates posted on the cable access. Matt Davis, Town Planner, explained that state law requires notification in a newspaper of substantial circulation and that the Town uses the Journal Inquirer. Also, the Freedom of Information Act has requirements that the Town follows in regards to posting meeting schedules and meeting agendas. He further explained that the commission goes beyond the requirement by having the developers mail notices to land owners within 500' of the site. A resident suggested that the developers be required to mail within 1 mile of the subject site and that a monthly newsletter should be sent to all residents explaining what has been going on with public meetings. The commissioners told the residents that they have a responsibility to stay "tuned-in" to the happenings of the town.

IV. PUBLIC HEARINGS:

1. #Z200501 – Dzen Brothers, Inc. for a special permit to allow retail sale and consumption of ice cream on property located at 187 Windsorville Road and 8 Pinney Street, APN 009-041-0000 & 009-042-0000 in a PC Zone.

TIME: 7:25 PM

SEATED: E. Zahner, C. Aucter, M. Heidari, J. Prichard, A. Hoffman

Peter DeMallie, project engineer, came forward to explain the request. He stated that the Dzens are looking to expand their ice cream sales operation, which has been going on since 1998. The current ice cream sales area is 150 square feet and the proposed area is 250 square feet. A 10' x 10' section of existing retail space will be removed. An 8' x 10' section of the ice cream sales area will be used for storage. They will also be constructing a second sales window and relocating a doorway.

Commissioner Heidari asked if there are any changes to the parking. The Town Planner explained that the change does not require expanded parking. He also explained that parking will be addressed during the Dzens' request for approval for the greenhouse expansion. Mr. DeMallie explained that the busiest times for ice cream sales are after the produce sales business have slowed.

MOVED (AUCTER), SECONDED (HEIDARI) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200501 – DZEN BROTHERS, INC.

MOVED (AUCTER), SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO APPROVE #Z200501 – DZEN BROTHERS, INC.

2. #Z200502 – Thomas Trueb for Dymatek Corp. for a special permit for an attached sign on property located at 7 Main Street, APN 064-024-0000 in a PC Zone.

TIME: 7:40 PM

SEATED: C. Aucter, M. Heidari, J. Prichard, A. Hoffman (Recused: E. Zahner)

Tom Trueb, owner, came forward to explain the request. He stated that Truebro is now known as Dymatek and they would like to put a sign on the façade of the building facing Route 83. He distributed a cut sheet detailing how the sign will be attached to the building and also showing the lighting, which will spotlight the sign from a pole arm.

MOVED (HEIDARI), SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200502 – THOMAS TRUEB.

MOVED (HOFFMAN), SECONDED (PRICHARD) AND PASSED UNANIMOUSLY TO APPROVE #Z200502 – THOMAS TRUEB.

3. #Z200503 – Pioneer Builders of Ellington, Inc. for a zone change to ARCHZ/Age Restricted Cluster Housing Zone including conceptual site plan approval on property located at 22 Maple Street, APN 073-014-0000 in a PC Zone.

TIME: 7:45 PM

SEATED: C. Aucter, M. Heidari, E. Zahner, A. Hoffman (Recused: J. Prichard)

The Town Planner stated that this application is the same application that was approved at the January 31, 2005 meeting. He explained that there is a requirement in the statutes that a copy of the zone change must be filed in the Town Clerk's office 10 days prior the hearing and that was not done. This new hearing is simply a result of a notice defect.

Attorney Dellutri, counsel for the applicant, stated that his client has decided to withdraw the application and he will reapply for the March 28, 2005 meeting. He explained that although he

believes this hearing is jurisdictionally valid, his client wants to be cautious and redo the legal notice and mailings. They will resubmit all paperwork.

MOVED (AUCTER), SECONDED (HEIDARI) AND PASSED UNANIMOUSLY TO ACCEPT THE WITHDRAWAL OF #Z200503 – PIONEER BUILDERS OF ELLINGTON, INC.

4. #Z200504 – Development Services, LLC & Ellington Developers, LLC for a zone change to ARCHZ/Age Restricted Cluster Housing Zone including conceptual site plan approval on property located on Windermere Ave, APN 017-004-0000 & 018-003-0000, in an IP Zone.

TIME: 7:51 PM

SEATED: C. Aucter, M. Heidari, E. Zahner, J. Prichard (Recused: A. Hoffman)

Jay Fischer, applicant, came forward to explain the request. He noted that this application had the same notice defect as the prior application, but they would like to do a brief presentation. Mr. Fischer stated that they may also resubmit to the March 28, 2005 meeting. He also requested that the application approved at the January 31, 2005 meeting be incorporated into this record, including the tapes, testimonies, etc. Mr. Fischer explained that the subject parcels are currently zoned IP and they are requesting a zone change to the ARCH Zone. The parcels total 41 acres will be served with public sewer, public water, and natural gas.

Andy Greene, project engineer, reviewed the existing conditions, the proposal, and the greenspace plan. He noted that the parcel is bounded by the Hockanum River and open space to the west, the IP zone to the north, Windermere Avenue to the east, and Chasseral Meadows, a single family detached condominium complex, to the south. The site is currently being used for agriculture. He noted that there are wetlands along the Hockanum River and a small pocket of wetlands in the northeast corner of the parcel. The concept plan shows 133 single family units with a density of 3.2 units/acre, but a density of 3.5 units/acre for the buildable area. There are 25' between each unit.

Mr. Fischer presented the architectural plans for the four unit types ranging from 1,600 to 2,400 square feet. He noted that there will be a 3,000 square foot clubhouse in a style similar to the homes on the center green. He also explained that they have had a preliminary meeting with the Inland Wetlands Agency, the DEP, and the Conservation Commission. Mr. Fischer explained that the town will receive \$730,000 in taxes from the full build out of this project. He also noted that the traffic report stated that there will be a net reduction of traffic from the residential use of the property versus the possible industrial use of the property.

Matt Davis, Town Planner, stated that at the January 31, 2005, the commission thought that land use was appropriate, but that the density was an issue. He noted that the density issue would be addressed with the site plan and special permit application.

MOVED (HEIDARI), SECONDED (AUCTER) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200504 – DEVELOPMENT SERVICES, LLC & ELLINGTON DEVELOPERS, LLC.

Commissioner Heidari disagreed that the Chairman should be able to vote. Chairman Zahner stated that the chair has always voted. Vice chairman Aucter stated that when he was the chairman, he always voted.

The commission recessed at 8:25 pm. They resumed the meeting at 8:35 pm.

MOVED (HEIDARI), SECONDED (ZAHNER) AND PASSED (2-1-1) (AUCTER—OPPOSED; HEIDARI—ABSTAINED) TO APPROVE #Z200504 – DEVELOPMENT SERVICES, LLC & ELLINGTON DEVELOPERS, LLC ZONE CHANGE AND CONCEPT PLAN APPROVAL.

5. #Z200505 – Deer Valley, LLC for a site plan approval and special permit for 10 multi-family buildings and associated improvements on properties located at 155 Windermere Avenue, APN 017-002-0001 & 80 Pinney Street, APN 017-002-0000 in an MF Zone.

TIME: 8:35 PM

SEATED: C. Aucter, M. Heidari, E. Zahner, J. Prichard, A. Hoffman

Hank Torcellini, project engineer, explained that they do not have WPCA approval, so they would like to have the meeting continued to March 28, 2005. Matt Davis stated that the applicant agreed to have the notice republished and do the mailings for that meeting. They would also take any public comments.

Laurie Burstein, 10 Woodland Trail, submitted a letter to the commission. She was concerned about the Santini's overall concept plan and that the apartments would be so close to their property. Kevin Santini, developer, stated that the building setback for this project along a residential zone is 100'.

Bob Burstein, 10 Woodland Trail, stated that they are not only concerned about themselves, but about the town as a whole. They are concerned about the population density. The Town Planner explained the settlement between the Town and the Santinis as he understood it. He also explained that this project must still go before the State Traffic Commission and any other appropriate state agencies. Also, they are not exempt from the Ellington Inland Wetlands regulations.

Some residents of Abbott Place expressed the desire to have a buffer between the two developments. Eric Santini, Sr. stated that they will try to keep as many trees as possible and noted that there will be a landscaped buffer to separate the complexes. Eric Santini, Jr., stated that they will have a detailed presentation for the March 28, 2005 meeting.

MOVED (AUCTER), SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING TO THE MARCH 28, 2005 MEETING FOR #Z200505 – DEER VALLEY, LLC.

VI. UNFINISHED BUSINESS

1. #Z200436 – Dzen Brothers, Inc. for site plan approval and special permit for construction of green houses with associated gravel parking areas, second curb cut and drainage facilities in conjunction with an existing retail facility on property located at 187 Windsorville Road & 8 Pinney Street, APN 009-041-0000, 009-042-0000, in a PC Zone.

The planner noted that the necessary Inland Wetland Agency and Zoning Board of Appeals approvals have been granted.

MOVED (HEIDARI), SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO APPROVE #Z200436 – DZEN BROTHERS, INC.

2. Discussion of Fee-in-lieu of open space Ryefield Estates Subdivision.

Jim Gage from the Ellington Conservation Commission came forward to discuss his research on the open space issue for the Ryefield Estates subdivision. He stated that the appraisal mentions that the sale price of the two lots was \$350,000, but that the deeds filed in the Town Clerk's Office show that each lot sold for \$350,000. He was interested in finding out what the real sales price of the two lots were. He suggested that if the sale price for both lots was \$700,000, that the commission should use that sale price for the fee in-lieu of open space payments.

Matt Davis, Town Planner, stated that Mr. Gingras submitted a letter disagreeing with the commission's decision to use the sale price to set the fee in-lieu of open space payments. Mr. Davis stated that the issue of the actual sales price of the two lots must be resolved and they must also look into how the "revised" fee in-lieu requirement will be handled. He explained that the issue of open space fee in-lieu of open space is a problem for many communities.

TABLED TO THE MARCH 28, 2005 MEETING IN ORDER FOR THE APPLICANT TO BE PRESENT FOR THE DISCUSSION.

V. NEW BUSINESS

1. Request of the Ellington Board of Selectmen for CGS 8-24 approval for use (lease) of town-owned property located at APN 084-013-0000 and APN 085-006-0000 (Pinnacle Road) for a telecommunications cell tower.

Pete Michaud, Public Works Director, stated that the town is in negotiations with Cingular to construct a cell tower on town-owned land. He explained that the town would receive \$24,000/year for the lease and the taxes for the structures. Mr. Michaud explained that there are 3 proposed sites and that the Siting Council will have final determination of which site it will be. He asked that the commission approve all three locations for that reason.

MOVED (AUCTION), SECONDED (HEIDARI) AND PASSED UNANIMOUSLY TO APPROVE CGS 8-24 FOR USE (LEASE) OF TOWN-OWNED PROPERTY LOCATED AT APN 084-013-0000 & APN 085-006-0000 (PINNACLE ROAD) FOR A TELECOMMUNICATIONS CELL TOWER.

2. #Z200506 – Rachel T. DeRham for Thompson Family Land Trust for a special permit for renewal of earth excavation permit on property located on Sadds Mill Road, APN 136-001-0000 in an RA Zone. **(RECEIPT ONLY)**
3. #Z200507 – Leeron Associates, LLC for a special permit for display area for automobile/storage trailer on property located at 171 West Road, APN 046-005-0001 & 161 West Road, APN 037-005-0084 in a PC Zone. **(RECEIPT ONLY)**
4. #S200501 – Jolyn II, LLC for a modification of subdivision approval to redesign detention basin on property located at 34 Ellsworth Lane, APN 118-004-0003 in an RA Zone. **(RECEIPT ONLY)**

THE COMMISSION ACKNOWLEDGED RECEIPT OF APPLICATIONS #Z200506, #Z200507, & #S200501 AND NOTED THAT BY OPERATION OF THE CONNECTICUT GENERAL STATUTES, THE DATE OF RECEIPT FOR #Z200506, #Z200507, & #S200501 WAS THE 2/28/05 REGULAR MEETING.

VI. ADMINISTRATIVE BUSINESS:

1. Discussion: Conservation Commission Work Program/Coordination.

Since the Chairman of the Conservation Commission could not be in attendance, the commission decided to table the discussion to the March 28, 2005 meeting.

TABLED TO THE MARCH 28, 2005 MEETING.

2. Approval of Meeting Minutes:
 - a. January 31, 2005, meeting minutes.

MOVED (HOFFMAN), SECONDED (ZAHNER) AND PASSED UNANIMOUSLY TO APPROVE THE JANUARY 31, 2005 MEETING MINUTES.

3. Correspondence:
 - a. Letter to Dennis Milanovich from Jim Thompson dated, 2/4/05.
 - b. Connecticut Federation of Planning & Zoning Agencies, Length of Service Awards.
 - c. Memo to First Elected Officials from Gerald Jennings dated, 1/26/05.
 - d. General Guidance on Development of Former Agricultural Properties.
 - e. Memo to Planning & Zoning Commission from Matt Davis dated, 2/9/05.
 - f. LULA Update.

SO NOTED.

VII. ADJOURNMENT:

MOVED (HEIDARI) SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 10:00 PM.

Respectfully Submitted,

Reanna Goodreau
Recording Secretary